

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELWAYNE DENNY,

Defendant.

CR-12-88-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 1, 2020. (Doc. 65.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 28, 2020. (Doc. 64.) The United States accused Denny of violating his conditions of supervised release 1) by failing to notify his probation officer of a change in residence; 2) by failing to report for substance abuse testing; 3) by using methamphetamine; 4) by failing to report for substance abuse treatment; 5) by committing another crime; and 6) by consuming alcohol. (Doc. 60). At the revocation hearing, Denny admitted that he had violated the condition of his supervised release: 1) by failing to notify his probation officer of a change in residence; 2) by failing to report for substance abuse testing; 3) by using methamphetamine; 4) by failing to report for substance abuse treatment; and 5) by committing another crime. The Court dismissed alleged violation 10 on the government's motion. (Doc. 64.) The violations that were admitted and proved are serious and warrant revocation of Denny's supervised release. Judge Johnston found that Denny's violations warranted revocation, and recommended that Denny receive a custodial sentence of 6 months, with 109 months of supervised release to follow. (Doc. 65.) Denny was advised of the 14 day objection period and his right to allocute before the undersigned.

The violations prove serious and warrant revocation of Denny's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 65) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Delwayne Denny be incarcerated for 6 months, with 109 months supervised release to follow.

DATED this 16th day of June, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court

